

# **EXHIBIT C**



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January 8, 2019

James W. Davis, III  
214 Maple Street  
Villa Rica, GA 30180

*Via U.S. Mail  
and E-mail  
jay@jdavislegal.biz*

**Re: IOLTA Funds Belonging to Coface North America Insurance Company**

Dear Mr. Davis:

As previously indicated, this firm has been retained by Coface North America Insurance Company ("Coface USA") in connection with the protection of Coface USA's interest in certain funds held (or formerly held) in a Wells Fargo IOLTA Account No. 7658491001 in the name of "J. Davis – Attorney at Law IOLTA (the "IOLTA Account"). We are in receipt of your electronic correspondence dated January 7, 2019, in which you state that in response to Coface USA's January 3, 2019 Cease and Desist letter, you had the "balance left in the [IOLTA Account]" transferred back to Coface USA. Coface USA acknowledges that it has received \$2,540,319.30 of the approximately \$3.1 million that was fraudulently transferred to the IOLTA Account, and it appreciates your prompt attention to the matter. However, as you are certainly aware, approximately \$560,000 of Coface USA's money (the "Remaining Funds") has yet to be returned to Coface USA or accounted for in any respect. Despite your suggestion that you do not believe there are any "timeliness" issues, Coface USA is understandably anxious to recover the Remaining Funds and prevent any further misuse or transfers of the same. Thus, this remains an urgent matter, and one which we hope will be met with continued and prompt cooperation.

Yesterday, in response to my phone call seeking an accounting of the missing Remaining Funds, you sent my Assistant an e-mail, which in many respects is cryptic and does not provide any information regarding the current whereabouts of the Remaining Funds. For example, you state that there were "unfortunately some funds belonging to other clients of mine that Wells Fargo insisted be returned to as well." There is no explanation as to what that has to do with the Remaining Funds, which is Coface USA's property. Moreover, you say "About \$3,500 of the money belonged to other clients." Neither Coface USA nor I understand what that means in this context. The Remaining Funds belong to Coface USA, but, to date, you have failed to indicate where the Remaining Funds are. We are seeking immediate responses in order to determine next steps.

To that end, Coface USA hereby demands a full accounting of the Remaining Funds. If any of the Remaining Funds are presently held in accounts owned or controlled by you, we request that you provide: (1) the date(s) on which any of the Remaining Funds were transferred to such accounts; (2) the amount of the Remaining Funds transferred; (3) the account(s) to which the money was transferred, including routing and account numbers; (4) the purpose of such

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transfers; and (5) the current account balance(s). Further, you are hereby directed to cease and desist any further use or transfer of the Remaining Funds or any portion(s) thereof. To the extent the Remaining Funds were transferred out of the IOLTA Account to third parties, Coface USA demands that you identify: (1) the date(s) of such transfers; (2) the amount of the Remaining Funds transferred; (3) the account(s) to which the money was transferred, including routing and account numbers; (4) the party or parties to whom the money was transferred; and (5) the purpose of such transfers.

Given Coface USA's interest in mitigating its damages and preventing further misuse or transfers of the Remaining Funds, we demand that you provide the information requested above by 3:00 PM tomorrow. Should you fail or refuse to do so, please be advised that we have been instructed to take any and all action available to it under the law (civil and criminal) and in equity, in order to protect Coface USA's interests and recover the Remaining Funds. More specifically, unless a full accounting is received, Coface USA intends to institute legal action against you immediately. We will also notify the Georgia Bar and ask what, if any, additional action we or they might take.

This letter is not, and should not be construed as, a waiver of any rights or remedies available to Coface USA in the event you fail to comply with this letter. Coface USA expressly reserves all rights or remedies, at law or in equity.

We trust you understand the seriousness of the current situation. Should you have any questions, please do not hesitate to contact me.

Very truly yours,

CARLTON FIELDS JORDEN BURT, P.A.



Christopher B. Freeman